IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2979 OF 2006.

Navin Kantilal Jain .. Applicant
V.s
State of Maharashtra ..Respondent

Shri Nitin Mhatre with Shri C.K. Talekar in/M/s Meghraj and Associaties for the applicant

Shri P.S. Hingorani for the State.
Shri Kiran Jain Advocate for original complainant.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 19TH SEPTEMBER, 2006.

P.C.

. The parties viz. the applicant-husband and the original complainant-wife have negotiated and arrived at some workable solution in the interest of the children.

2. The applicant, as also wife has agreed that the complainant-wife would reside separately with her parents at Bhandup and the two sons Master Darshil and Master Umang would reside with her.

3. In the meanwhile, they agree that upon payment of sum of Rs.7,50,000/-on or before 31st August, 2007 in

full and final settlement of wife's claim of permanent alimony, value of her stridhan ornaments and belongings, so also to enable her to purchase a flat for her occupation and her two minor children, the parties would approach the competent Family Court and apply for Divorce by Mutual Consent.

4. It is also agreed that so far as two sons are concerned, An Account is opened at Dena Bank, LBS Marg, Bhandup Branch by the complainant-wife for the benefit of two minor children and for a period of 12 months from today the applicant-husband would pay sum of Rs. 5000/- per month by cheque drawn in the name of the complainant-wife, which amount after Deposit in the Account shall be utilised for the welfare and maintenance of the children and for their benefit.

5. This amount will stand increased and enhanced to Rs. 7,500/- per month from 1st October, 2007, subject ofcourse, to further orders and directions in that behalf by the competent Court.

6. It is also agreed between parties that the applicant-husband would also have access to the minor

sons on every Saturday after 6 p.m. till 8 p.m. and thereafter on alternate Sunday at the same time. This Agreement shall continue subject to further orders of the competent Court.

7. It is in this light that the prosecution states that it would issue 72 hours prior notice to the applicant-husband, in case the wife complains that the applicant has committed default in payment of the Maintenance Amount per month as agreed by him or the sum of Rs. 7,50,000/-

8. It is made clear that this order is passed in the light of this agreement between the applicant-husband and complainant-wife and on the specific understanding that they would initiate proceedings for dissolution of their marriage by mutual consent. In this view of the matter, I have not gone into the rival contentions and they are kept open for being urged at an appropriate stage. It is clarified that the applicant would be at liberty to apply for identical reliefs in future and such application if filed, would be considered upon its own merits and in accordance with law, uninfluenced by the order of the

learned Sessions Judge.

(S.C.DHARMADHIKARI, J.)